

repair. Eleven percent of our bridges are obsolete or functionally deficient. Ongoing operations, to say nothing of strategic new investments, are increasingly difficult.

This is sad because the Federal Government used to play an essential role for infrastructure throughout our history, from Benjamin Franklin's postal roads to Abraham Lincoln's transcontinental railroad to Dwight Eisenhower's interstate highway system. The ability to even imagine such accomplishments is increasingly a thing of the past. This means we are losing our competitive edge to be able to move goods efficiently. Our families are losing mobility.

Our low level of investment is being dwarfed by competitors overseas: Europe, India, Japan, and especially China.

Shanghai has 14 subway lines, a high-speed Maglev railway, two massive modern airports, 20 expressways, and a high-speed train leaving Shanghai every 3 minutes. China has spent 8½ percent of its gross domestic product for 20 years, while American investment has shrunk to 1.7 percent recently for a system that is variously rated 12th or 27th, depending on what you are looking at.

Is it any wonder that China's economy has expanded 700 percent in 20 years while America struggles to grow at 2 percent a year?

With such an overwhelming, well-established need, it is criminal that Congress is in the process of making a decision that will probably delay any meaningful opportunity to correct this situation in transportation funding for 3 years or longer.

Yes, it is essential that a financial transfer take place to the highway trust fund to stop the summer slowdown and give Congress a chance to work, but hopefully, only with enough money to work through this year. The Senate may well appropriate enough money, as the House did a couple of weeks ago, to slide into the next Congress with new committees, new leadership, perhaps, in the Senate. The situation will get no easier, no less complex, and no less expensive if this Congress abandons its responsibility.

This is a continuation of an unfortunate pattern since 2003, where a series of ever-shorter solutions and 21 temporary extensions have created near permanent uncertainty for communities who rely on the Federal partnership for the big picture, major repair, and new construction of roads, transit, and bridges.

The people who build, maintain, and depend on our transportation infrastructure are in the dark where they stand now, where they will be in 6 months, where they will be 2 years from now. It is absolutely unacceptable.

I will fight for this Congress to get on with its job now. If it means we have to work in October instead of campaigning, so be it. If it means we

have to come back after the election and work into the holidays, we should do so. Congress should not recess for vacation, for campaigning, or adjourn for the year unless it has met its responsibilities for a long overdue, 6-year, robust transportation bill provided with enough sustainable, dedicated funding to stop this chronic uncertainty.

The Senate will be debating limiting funding for this year or sliding into next. They will even debate Senator LEE's proposal to slash the Federal partnership and turn it back to the States as an unfunded mandate, eliminating the gas tax and, with it, any thoughtful, overall Federal transportation system.

These are the choices that really need to be drug out into the light. They need to be talked about in the open to find out what the public thinks, and then we make a decision, let them know, and move on. America deserves no less.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to refrain from trafficking the well while another Member is under recognition.

OBAMACARE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, the recent decision in *Halbig v. Burwell* held that ObamaCare "makes tax credits available . . . to individuals who purchase health insurance through . . . exchanges . . . established by the State."

Supporters of the law predictably decried judicial partisanship. They claimed the reasoning of the Court was spurious because it led to an absurd result which was not in line with the intended policy of the law.

Also recently, video surfaced of MIT health economist Jonathan Gruber, a prominent architect of and supporter of ObamaCare, clearly stating that States have an incentive to set up exchanges so that their citizens will have access to Federal subsidies. So much for the charge that the Court's reasoning led to an absurd result.

Mr. Speaker, it is quite obvious that someone at some point in the legislative drafting of ObamaCare thought using Federal subsidies as an incentive to get States to set up insurance exchanges was a good idea, and that was the view that was codified as law. But at a fundamental level, the issue here isn't the way the statute was written; it is the way the statute was passed. The extremely partisan nature of ObamaCare's passage has made the administration unwilling or unable to seek fixes via the normal legislative process because doing so would necessitate working across the aisle and compromising.

We all remember that ObamaCare was hastily passed after an election which cost the Democrats their supermajority in the Senate. They couldn't edit this law because the people of Massachusetts denied them that privilege. But that didn't stop Democrats from ramming this poorly drafted law through using some very questionable legislative tactics. Now they are asking the courts to let them make edits to the plain language of law without consulting Congress.

As this case moves forward on appeal, judges should ask themselves this question: Is it my role to shield the Democratic Party from the consequences of a republic form of government? I don't recall ever reading that particular clause in my copy of the Constitution.

THE LEGISLATURE'S JOB IS TO PASS LEGISLATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, as the House uses what little legislative time is left in the year to sue the President, I am reminded of what Benjamin Disraeli once said: "How much easier it is to be critical than to be correct." That is the reason why the American public thinks that the lawsuit against the President of the United States is a political stunt, because it is a political stunt.

The majority argues that the President's executive actions give them no choice but to sue the President; that it is the legislative branch's job to defend against the executive branch's supposed overreaches.

But I will tell you what the job of the legislature is. The job of the legislature is to pass legislation.

For 112 Congresses before this one, the fight over the separation of powers has endured, with each Congress before us using the powers allocated to it in our Constitution to pass legislation to counter the actions of the President.

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It is not a unique idea: You don't like the job the President is doing? Well, then let's do our job. You don't like the President's policy? Well, then let's enact some policies of our own. Rather than litigating, we should be legislating.

My colleagues on the other side of the aisle have been so busy trying to prevent the President from doing his job, they have forgotten to do their own. For years, their number one legislative priority was making President Obama a one-term President, to discredit him, to delegitimize him. Time and time again, with every issue, from extending unemployment insurance to comprehensive immigration reform to climate change, to name a few, this Congress has punted the ball. Instead of finding the courage to tackle the tough issues the American people are